IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 763 of 2005

Between:

Karri Mohan Rao, S/o. Ramamurthy,
R/o. Turakalakota Village, Kotha Agraharam (PO),
Nandigam Mandal, Srikakulam District.

... PETITIONER

AND

1 The District Water Management Agency, Srikakulam,

rep by its Project Director, (DWMA), Srikakulam.
2 The District Collector-cum-Chairman Srikakulam,

District Water Management Agency, Srikakulam.
3 Pathrunivalasa Water Shed Committee Peddinaydupeta Village,
rep by its Person-in-charge, peddinayudupeta Village,

Nandigam Mandal, Srikakulam District.
4 Sri K.Joga Rao, S/o. Suryanarayana Peddinayudupeta Village,
Nandigam Mandal, Srikakulam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ a direction preferably writ of mandamus declaring the proceedings issued by the 1st respondent in Lr.Rc. No. 171/2002/P5, dated 20-11-2004, is illegal, arbitrary, contrary to the observations made in W.P.No. 955/2004, dated 20-8-2004, apart from violative of principles of natural justice and consequently direct the respondents 1 & 2 to conduct elections to the 3rd respondent committee namely Patrunivalasa Water Shed Committee, situated in Nandigam Mandal of Srikakulam District.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents 1&2: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following :

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O R D E R:

The fourth respondent was elected as Chairman of a Water Shed Committee of Pathrunivalasa village of Srikakulam District, in an election held on 21.11.2003. On complaints submitted by the villagers, the first respondent did not recognize the out come of the election held on 21.11.2003, and directed that fresh election shall take place on 20.01.2004. To this extent, a notification was issued. The fourth respondent challenged the same by filing writ petition No.955 of 2004. The writ petition was disposed of, through an order dated 20.08.2004, setting aside the action and proceedings of the first respondent, to conduct fresh election. One of the grounds that appealed to this Court was that the fourth respondent was not issued any notice and the lawful procedure was not followed.

This Court, however, left it open to the first respondent to take necessary measures, in accordance with law, after giving notice to the fourth respondent.

The petitioners approached the first respondent to take necessary steps, as permitted by this Court. The first respondent issued a reply dated 20.11.2004, stating that he has no jurisdiction to reopen the matter and that the election held on 20.11.2003 would hold good. The said letter is challenged in this writ petition, as being contrary to the specific directions issued by this Court.

Heard learned counsel for the petitioner and the learned Government Pleader for Irrigation.

The elections to the Water Shed Committees are not provided for under any statutes, nor such elections are regulated by any agency. Unless the elections are governed by statutory provisions and the first respondent is conferred with any power to regulate the same, it is impermissible for the first respondent to take any steps, either to declare the election as invalid, or to ignore the out come of the election. In such an event, the aggrieved parties have to avail the common law remedy. No exception can be taken to the letter dated 20.11.2004, addressed by the

first respondent.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to work out his remedy in a Civil Court. There shall be no order as to costs.

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8th February, 2005

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To

1 The Project Director, The District Water Management

Agency, Srikakulam District, Srikakulam.
2 The District Collector-cum-Chairman, Srikakulam,

District Water Management Agency, Srikakulam.
3 The Person-in-charge, Pathrunivalasa Water Shed

Committee Peddinoldupeta Village, Peddinayudupeta Village,

Nandigam Mandal, Srikakulam District.
4 Two C.Cs. to the Government Pleader for Irrigation,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies